

Michael S. Biggs (SBN. 237640)
BIGGS LAW PC
PO Box 454
Petaluma, CA 94953-0454
Telephone: (707) 763-8000
Facsimile: (707) 763-8010

Attorney for Plaintiff
Pinoleville Pomo Nation, et al

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Pinoleville Pomo Nation, Pinoleville Pomo
Nation Environmental Association, and Leona
Williams,

Plaintiffs,

and

Ukiah Auto Dismantlers, Wayne Hunt, Isabel
Lewright, Warrior Industries, Inc., Richard
Mayfield, Ross Junior Mayfield, Paula
Mayfield, U.S. Alchemy Corporation, and
DOES 1-10, Inclusive.

Defendants.

Case No.: C 07 2648 SI

**PLAINTIFF'S EX-PARTE
APPLICATION TO ENLARGE
TIME ON BRIEFING SCHEDULE
OVER TO JUNE 24, 2008
AND SUPPORTING DECLARATION
OF MICHAEL S. BIGGS**

Date: June 25, 2008
Time: 1:00 PM
Judge: Susan Illston

I, Michael S. Biggs, declare as follows:

1. I am an attorney duly licensed to practice law in all courts of the State of California and before the United States District Court for the Northern District of California and I am the attorney of record for plaintiff Pinoleville Pomo Nation et al.
2. Plaintiff hereby moves the Court to grant an Ex Parte Motion to enlarge time to allow for responsive and reply briefing on the instant matter currently set for hearing on June 25, 2008,

1 over to June 24, 2008, in order to accommodate responsive and supplemental pleadings by all
2 counsel.

3 3. Mr. Herb filed supplemental and additional pleadings on June 20, 2008.

4 4. I have filed responsive pleadings June 18, 19 and 23 of 2008.

5 5. I have finished filing responsive papers on Monday June 23, 2008.

6
7 6. This matter has required plaintiff to engage in motion practice with essentially two
8 separate cases as defendants Mayfield and Hunt each have their own attorneys and respective
9 legal theories – this has necessitated more time for plaintiff to adequately respond.

10 7. In contrast defendants each are approaching ‘one’ plaintiff.

11 8. Because of the high number of declarations, responsive declarations, supplemental
12 declarations, and highly technical matters introduced in declarations, plaintiff requires more time
13 on responsive and reply briefing.

14
15 9. I have emailed all counsel and the US DISTRICT COURT CLERK Tracy Sutton on
16 Friday June 20, 2008 and apprised all of my intent to seek this ex parte application on time
17 enlargement of the briefing schedule and have received no response from counsel.

18
19 10. At this time on Monday July 23, 2008, unless unforeseen exceptional circumstances
20 require I do not plan on filing any more responsive or reply papers in this instant matter on
21 preliminary injunction.

22 **I declare under penalty of perjury under the laws of the United States that the foregoing is**
23 **true and correct. This declaration was on the 23rd day of June, 2008, executed in Petaluma,**
24 **California.**

25
26 Dated: June 23, 2008

27 Respectfully Submitted

1
2 /S/ Michael S. Biggs
3 Michael S. Biggs
4 Attorney for Plaintiff's
5 Pinoleville Pomo Nation, et al

6 **ORDER**

7
8 The SCHEDULING ORDER as to briefing on Preliminary Injunction calendared to be heard on
9 JUNE 25, 2008 at 1:00 PM shall be revised to enlarge reply date of June 18, 2008, over to June
10 24, 2008.

11
12 IT IS SO ORDERED.

13
14
15 Dated: June ____ 2008



16 Judge of the United States District Court
17 Northern District of California
18
19
20
21
22
23
24
25
26
27
28